D.B. CIVIL SPECIAL APPEAL(W)NO.360/2005

Yashpal
Vs.
State & Ors.

Date of Order :: 24-01-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Sudhir Sharma, for the appellant.

This appeal is directed against the order of the learned Single Judge dated 10.8.2005 in SBCWP no.4706/2005 dismissing the writ petition of the appellant.

The dispute relates to use of canal water. Rule 14 of the Rajasthan Irrigation and Drainage Rules, 1955 lays down that the Divisional Officers may make contracts for the supply of canal water for purposes other than irrigation for any term, after previous sanction the State Government except that the sanction for such contracts exclusively for drinking water may be given by Superintending Engineer of the Circle in cases where diggies have been or are being constructed by the Public Health Engineering Department.

In the instant case, it was found that the appellant was using the canal water for irrigation purposes in the guise of utilization for drinking purposes. This is a finding of fact which cannot be

interfered with in writ jurisdiction. The order having been passed by the competent authorities within the meaning of rule 14, we find no ground to take a different view.

The appeal is dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen